

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
ECC Building, 355 Sen. Gil J. Puyat Avenue, City of Makati

Tel. No. 899-4251 • Fax. No. 897-7597 • Email Add: ecc_mails@yahoo.com • Website: <http://www.ecc.gov.ph>

EXCERPTS FROM THE MINUTES OF
THE FIFTH (5TH) JOINT REGULAR COMMISSION MEETING,
EMPLOYEES' COMPENSATION COMMISSION, SERIES OF 2013,
*Convened at the Multi-Purpose Hall, 4th Floor, ECC Bldg., Sen. Gil Puyat Ave., Makati City
Wednesday, 07 August 2013 at 9:00 A.M.*

BOARD RESOLUTION NO. 13-08-24

Requesting the Congress of the Philippines to Amend Section 55 of R.A. 8291 for Purposes of Granting Double Recovery of Benefits Under the Government Service Insurance System and Under the Employees' Compensation Program

WHEREAS, Article II, Section 18 of the 1987 Constitution provides:

*"The State affirms labor as a primary social economic force. It **shall protect the rights of workers and promote their welfare.**" (emphasis supplied)*

WHEREAS, employees in the private sector enjoy simultaneous recovery of benefits under both the Labor Code and under the SSS law;

WHEREAS, Section 55 of R.A. No. 8291, otherwise known as "The Government Service Insurance System Act of 1997," provides:

*"SEC. 55. **Exclusiveness of Benefits.**-Whenever other laws provide similar benefits for the **same contingencies** covered by this Act, **the member** who qualifies to the benefits **shall have the option to choose which benefits will be paid to him.** However, if the benefits provided by the law chosen are less than the benefits provided under this Act, the GSIS shall pay only the difference." (emphasis supplied)*

WHEREAS, Art. 173 of P.D. No. 626, as amended, partly reads:

*"ART. 173. **Extent of Liability.**- xxx The payment of compensation under this Title shall not bar the recovery of benefits as provided for*

in Section 699 of the Revised Administrative Code, Republic Act Numbered Eleven hundred sixty-one as amended, Republic Act Numbered Six hundred ten, as amended, Republic Act Numbered Forty-Eight hundred sixty-four as amended, and other laws whose benefits are administered by the System, or by other agencies of the government." (emphasis supplied, as amended by Sec. 2 of PD 1921)

WHEREAS, on the basis of the said provisions, double recovery of benefits is not allowed from both R.A. No. 8291 and P.D. No. 626, as amended;

WHEREAS, this Commission is concerned with the present disparity on the amount of EC benefits between the employees in the public sector and employees in the private sector;

WHEREAS, in the interest of social justice which is the foundation of the Employees' Compensation Law, Article 55 of R.A. No. 8291 should be amended to attain the purpose of an express national policy as provided under Article 166 of P.D. No. 626, as amended, which reads:

"ART. 166. Policy- The State shall promote and develop a tax-exempt employees' compensation program whereby employees and their dependents in the event of work-connected disability or death, may promptly secure adequate income benefit, and medical related benefits."

(underlining and emphasis supplied)

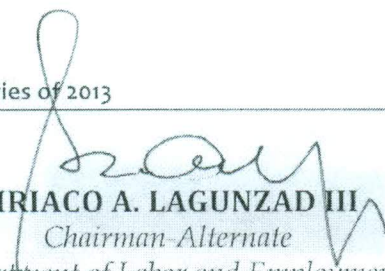
NOW THEREFORE, ON MOTION DULY MADE AND SECONDED


This Commission **RESOLVES AS IT HEREBY RESOLVED** to request the Congress of the Philippines to amend R.A. No. 8291 for purposes of granting double recovery of benefits under the Government Service Insurance System and under the Employees' Compensation Program (ECP);

RESOLVED FINALLY that copies of this Resolution and all pertinent documents related to this request be transmitted to the Senate of the Republic of the Philippines and to the House of Representatives for appropriate action.

APPROVED in the City of Makati, this 07 day of August 2013.

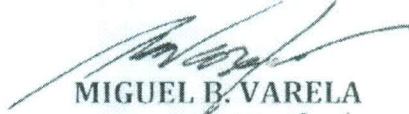



CIRIACO A. LAGUNZAD III
Chairman-Alternate
Department of Labor and Employment

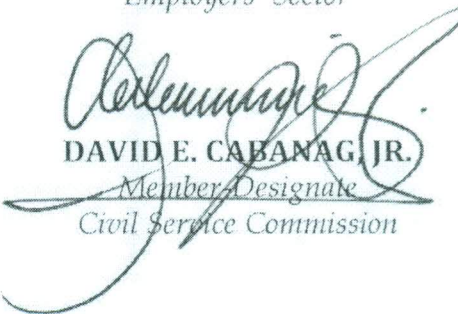

AGNES E. SAN JOSE
Member-Designate
Social Security System

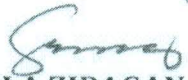

DIONISIO C. EBDANE, JR.
Member-Designate
Government Service Insurance System


CARLITO P. ROBLE
Member
Employees' Sector


MIGUEL B. VARELA
Member
Employers' Sector


ALEXANDER A. PADILLA
Member-Designate
Philippine Health Insurance Corporation


DAVID E. CABANAG, JR.
Member-Designate
Civil Service Commission


STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission - Secretariat

